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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Joo H. Chung, Michael Sun, Kenneth Gould, and Frank Huang

Serial No.: 09/752,744

Group Art Unit: 2661

Filed: 12/29/2000

Examiner:

For: **System and Method for Multicast Stream Failover**

RENEWED PETITION UNDER 37 C.F.R. §1.137(b) and §1.47

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In reply to the Decision Dismissing Applicant's Petition dated January 6, 2003 (hereinafter "the Decision"), Applicant respectfully requests reconsideration of the Decision.

Dismissal of Applicant's Petition was based on the failure of the declaration submitted to include the citizenship of **all** of the joint inventors. Applicant submits herewith a corrected declaration and power of attorney to satisfy the required missing parts filing. The declaration reflects the citizenship of Kenneth Gould, the signing inventor, and Inventor's Huang and Sun. The citizenship of Inventor Chung is also provided to the best of Counsel's knowledge and belief.

In response to the Decision, members of Counsel's firm undertook to determine the citizenship of all of the Inventors. In this regard, on several occasions, Assignee (and former employer of all of the Inventors) was contacted. In response, except for Inventor Chung, the citizenship of the Inventors was ascertained. With respect to Inventor Chung, Assignee noted that its personnel records with respect to Inventor Chung included at least one form requiring Chung to disclose if he were **not** a U.S. citizen. According to Assignee's records, Chung did not so indicate. Further it was (and is) Assignee's normal procedure to determine citizenship of potential employees as request by law. Based on this information, Counsel for Applicant concluded that Inventor Chung was in fact a U.S. citizen and has submitted a corrected declaration pursuant 37 C.F.R. §1.47 reflecting this conclusion and a declaration under 37 C.F.R. § 1.131 attesting to these facts.

Applicant submits herewith a copy of the Decision Letter, a corrected declaration under 37 C.F.R. §1.47, and a declaration of counsel under 37 C.F.R. § 1.131.

In view of this supplemental submission, grant of the Petition is respectfully requested.

Respectfully submitted,

Jon L. Roberts, Esq.
Registration No. 31,293
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191
(703) 391-2900

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March 5, 2003

Atty. Docket No. 2585-001



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In re Application of Joo H. Chung, Michael Sun, Kenneth Gould, and Frank Huang

Serial No.: 09/752,744

Group Art Unit: 2661

Filed: 12/29/2000

Examiner:

For: System and Method for Multicast Stream Failover

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

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I, Jon L. Roberts, Esq, a registered patent attorney (No. 31,293) declare that I represent Road Runner, Inc., the Assignee of the above referenced application, as patent counsel. I am familiar with the prosecution of the above referenced application, and in particular, the circumstances surrounding the filing of a corrected declaration under 37 C.F.R. §1.47 and the designation of Inventor Sun as a U.S. citizen.

In response to the Decision Dismissing Applicant's Petition dated January 6, 2003, members of Counsel's firm undertook to determine the citizenship of all of the Inventors. In this regard, on several occasions, Assignee (and former employer of all of the Inventors) was contacted. In response, except for Inventor Chung, the citizenship of the Inventors was ascertained. With respect to Inventor Chung, Assignee noted that its personnel records with respect to Inventor Chung included at least one form requiring Chung to disclose if he were **not** a U.S. citizen. According to Assignee's records, Chung did not so indicate. Further it was (and is) the Assignee's normal procedure to determine citizenship of potential and incoming employees, and to note when such an employee is a non-US citizen. No such determination is present in the Human Resources Department of the Assignee. Based on this information, Counsel for


March 5, 2003

Atty. Docket No.: 2585-001

Applicant concluded that Inventor Chung was in fact a U.S. citizen and has submitted a corrected declaration pursuant 37 C.F.R. §1.47 reflecting this conclusion.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 3-5-03

By: 

Jon L. Roberts, Esq.
Registration No. 31,293
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive
Suite 1000
Reston, VA 20191
(703) 391-2900